16. (Amended) An inspection apparatus using an electron beam according to claim 15, wherein an electrode set at a positive electric potential with respect to said deceleration voltage is provided between said specimen and said charged particle detector.

REMARKS

Claims 1-16 are pending. By this Amendment, claims 11 and 16 are amended.

The Office Action rejects claims 11 and 16 under 35 U.S.C. § 112, second paragraph. The claims are amended as suggested in the Office Action. Accordingly, Applicants request withdrawal of the rejection.

The Office Action rejects claims 1-4, 9, 10, 14 and 15 under 35 U.S.C. § 102 or in the alternative under 35 U.S.C. § 103 over U.S. Patent 4,713,543 to Feuerbaum. This rejection is respectfully traversed.

Claim 1 recites an inspection method for detecting a defect of a specimen by using an electron beam comprising deflecting the electron beam set at least 100nA beam current by taking a crossover as fulcrum. Likewise, claim 9 recites an inspection apparatus that includes an electron source for drawing the electron beam set at least 100nA beam current with a convergence lens for converging the electron beam so as to form a crossover between said convergence lens and said specimen. It is respectfully submitted that Feuerbaum does not disclose or suggest deflecting the electron beam set at least 100nA in beam current by taking a crossover as a fulcrum as recited in these claims. The Office Action admits that Feuerbaum does not specify a beam current for the method and apparatus and admits that it can not be determined whether the scanning electron microscope anticipates the current range of at least 100nA as claimed. However, the Office Action asserts that if it does not, such currents are matters for routine experimentation which would be obvious if not anticipated. However, the Office Action provides no basis for this assumption that use of this current set would be an obvious matter of routine design experimentation, and thus Feuerbaum does not anticipate or render obvious claims 1 and 9 of the present application.